

REMARKS

Upon entry of the foregoing Amendment, claims 1, 12, 25, 26, 37, and 38 have been amended. No claims have been cancelled. Claims 45 and 46 have been newly added. Support for the instant amendments is provided throughout the as-filed application. Thus, no new matter has been added. Therefore, claims 1, 2, 4-6, 8, 12, 14, 15, 17-19, 21, 25-27, 29-31, 33, 37, 38, and 40-46 are pending.

In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INTERVIEW SUMMARY

Applicants thank Examiner Nguyen for the courtesies extended to Applicants' representatives, the undersigned and Mr. Timothy C. Rooney, during the telephonic Examiner Interview of March 7, 2011 ("the March 2011 Examiner Interview"). During the March 2011 Examiner Interview, Applicants' representatives and the Examiner discussed the claim language in light of two of the cited references, U.S. Patent Application Publication No. 2004/0014457 by Stevens ("Stevens") and U.S. Patent Application Publication No. 2003/0101214 by Kumhyr ("Kumhyr").

FINDINGS OF FACT AND PRINCIPLES OF LAWS

The Examiner makes numerous contentions and characterizations in the "Findings of Fact" and "Principles of Laws" sections of the Office Action. Applicants disagree with many of these assertions; however will only address those relevant to the rejection of claims specifically addressed in this response. Under no circumstances shall any of the Examiner's findings be construed as agreed to unless Applicants explicitly state their acquiescence. Furthermore, none of the issues presented in this section constitute formal objections or rejections. Therefore, applicants are under no obligation to address any of the issues raised.

For example, the Examiner appears to allege that independent claim 14 is claimed functionally, in terms of intended use, instead of structurally. Applicants submit that in the Response filed March 29, 2010, claim 14 was amended to clarify the invention. Specifically, claim 14 was amended to recite a system "configured to identify" instead of "for

identifying.” As such, the amended claim provides specific structure or system configurations that cannot be construed as intended use.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 2, 4-6, 8, 12, 14, 15, 17-19, 21, 25-27, 29-31, 33, 37, 38, and 40-42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stevens in view of Kumhyr.

Applicants traverse these rejections for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness because the references relied upon fail to teach, suggest, or otherwise render obvious all of the features of the claimed invention. However, solely for the purposes of expediting prosecution of the application, Applicants have amended independent claims 1, 14 and 26 to clarify their features. Stevens or Kumhyr, alone or in combination fail to disclose, suggest or otherwise render obvious all of the features of independent claims 1, 14 and 26, as amended.

For example, claim 1, as amended, recites “*creating a group e-mail address, a virtual team workspace, or both based on [a] topic and [] associated information received from [a] first user,*” and “*responsive to a determination that [a] second user is interested in the received topic . . . presenting an option to the second user for being added to the group e-mail address, the virtual team workspace, or both.*” Claims 14 and 26 recite similar language. The Examiner concedes that Stevens fails to disclose “monitoring computing activities of a second user by a software monitoring module.” However, in rejecting claim 38 including the “*creating*” limitation (which is now cancelled from claim 38 and added in claim 1), the Examiner appears to rely on various portions of both Stevens and Kumhyr as allegedly disclosing the recited “*creating*” limitation. See, Office Action, pg. 9. Applicants disagree with the Examiner’s assessment for at least the reason that Stevens and Kumhyr, alone or in combination, fail to disclose, teach or suggest *creating* a group e-mail address or a virtual team workspace based on the received topic and the associated information, or *presenting an option* to a second user to *join* a group e-mail address or a virtual team workspace.

For example, Stevens appears to describe creating and storing users’ personal profiles including “any type of information regarding the users, such as physical descriptions, interests, financial information, and/or medical records, and the profiles also

may specify the type of profile sought in other users.” *See*, Stevens, ¶ [0032]. However, even assuming *arguendo* that the users’ personal profiles disclose the recited topic and associated information (which Applicants do not concede), Stevens fails to disclose, teach or suggest **creating** a group e-mail address or a virtual team workspace **based on the topic and the associated information** received from the first user, let alone **presenting an option** to a second user (e.g., if it is determined that the second user is interested in the topic) for being added to the group e-mail address or the virtual team workspace.

For example, Stevens generally describes comparing profile of a requesting user with profiles of the other users to identify one or more matching users. Upon locating a match, information and predetermined contact information for the matching user(s) is transmitted to the requesting user. The requesting user’s contact information may also be transmitted to the matching users if the requesting user so desires. The contact information may be sent to a **predetermined** e-mail address of the particular user. Further, users may exchange messages, e.g., using e-mail. *See*, Stevens, ¶¶ [0032]-[0035], [0039] and [0062]. Accordingly, to the extent Stevens indicates use of (predetermined) e-mail addresses for exchanging messages, e.g., between a requesting user and a matching user, Stevens provides no disclosure, teaching, or suggestion regarding creating a group e-mail address or virtual team workspace based on the received topic and associated information (e.g., based on the personal profile of a user). Rather, in describing the use of **predetermined** e-mail addresses of the users for information exchange, Stevens appears to **teach away** from the claim feature of **creating** a group e-mail address, as recited in claim 1, for example.

Further, Stevens is silent with regard to **presenting** an option to the second user for being added to the group e-mail address, the virtual team workspace, or both, e.g., responsive to a determination that the second user is interested in the received topic. First, because Stevens fails to disclose **monitoring** computing activities of a second user (as acknowledged by the Office Action), Stevens also fails to disclose, teach or suggest determining if the second user appears to be interested in the received topic **based on the monitored activities** of the second user and based on the associated information. As such, Stevens further fails to disclose, teach or suggest performing any operation (e.g., the recited “**presenting**” operation) responsive to such determination. However, even assuming *arguendo* that Stevens does disclose the recited “**determining**” operation (which Applicants

do not concede for at least the foregoing reasons), Stevens fails to disclose presenting an option to the second user for being added to the group e-mail address, and/or the virtual team workspace, e.g., that are created based on the topic and the associated information received from the first user. As discussed above, Stevens merely describes using users' personal predetermined e-mail addresses for exchanging contact information or messages, and therefore, teaches away from creating a group e-mail address and/or a virtual team workspace. Accordingly, in the absence of any disclosure or suggestion regarding creating (or in general, using) a group e-mail address or a virtual team workspace, a person of ordinary skill in the art would not even consider Stevens for the feature of presenting an option to the second user for being added to the group e-mail address, the virtual team workspace, or both, responsive to a determination that the second user is interested in the received topic, as recited in claim 1, for example.

The Examiner's relies on Kumhyr to cure the deficiencies of Stevens. However, even assuming *arguendo* that Stevens and Kumhyr are properly combinable (which Applicants do not concede), Applicants submit that Kumhyr fail to disclose, teach, or suggest all of the features of independent claims 1, 14 and 26. For example, Kumhyr generally describes defining a group of users, and determining interests (and a level thereof) of a group of users through a dynamic process, e.g., by utilizing Web page access pattern information,. See, e.g., Kumhyr, ¶¶ [0021]-[0026]. However, Kumhyr, like Stevens, fails to disclose, teach or suggest the recited features of **creating** a group e-mail address or a virtual team workspace based on the received topic and the associated information, or **presenting** an option to the second user for being added to the group e-mail address, the virtual team workspace, or both, responsive to a determination that the second user is interested in the received topic.

Therefore, for at least the reasons given above, the Examiner has failed to show that the references relied upon disclose, suggest, or otherwise render obvious all of the features of claims 1, 14 and 26. Therefore, the rejection thereto is improper and must be withdrawn. Claims 2, 4-6, 8, 12, 15, 17-19, 21, 25, 27, 29-31, 33, 37, 38, and 40-42 depend from and add features to one of claims 1, 14 and 26. Therefore, for at least the reasons set forth above, the rejections thereto are likewise improper and must be withdrawn.

Claims 43 and 44 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stevens in view of Kumhyr and further in view of U.S. Patent Application Publication No. 2004/0023033 to Campbell et al. ("Campbell").

Applicants traverse these rejections for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness because the references relied upon fail to teach, suggest, or otherwise render obvious all of the features of the claimed invention.

Claims 43 and 44 each depend from and add features to independent claim 1. As discussed above, Stevens and Kumhyr, alone or in combination, fail to disclose all of the features of claim 1. Campbell fails to cure the deficiencies of Stevens and Kumhyr. For at least this reason, the Examiner has failed to show that the references relied upon teach, suggest, or otherwise render obvious all of the features claims 43 and 44. As such, the rejections thereto are improper and must be withdrawn.

Claims 1, 2, 4-6, 8, 12, 14, 15, 17-19, 21, 25-27, 29-31, 33, 37, 38, and 40-42 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,681,247 to Payton ("Payton") in view of Stevens.

Applicants traverse these rejections for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness because the references relied upon fail to teach, suggest, or otherwise render obvious all of the features of the claimed invention. Payton or Stevens alone or in combination fail to teach, suggest or otherwise render obvious all of the features of independent claims 1, 14 and 26.

For example, claim 1 recites "*creating a group e-mail address, a virtual team workspace, or both based on the topic and the associated information received from the first user,*" and "*responsive to a determination that the second user is interested in the received topic . . . presenting an option to the second user for being added to the group e-mail address, the virtual team workspace, or both.*" Claims 14 and 26 recite similar language. The Examiner concedes that Payton fails to disclose, teach, or suggest determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information, as recited in claim 1. However, in rejecting claim 38 including the "*creating*" limitation (which is now cancelled from claim 38 and added in claim 1), the Examiner appears to rely on various portions of

both Payton and Stevens as allegedly disclosing the recited “*creating*” limitation. See, Office Action, pg. 13. Applicants disagree with the Examiner’s assessment for at least the reason that Payton and Stevens, alone or in combination, fail to disclose, teach or suggest *creating* a group e-mail address or a virtual team workspace based on the received topic and the associated information, or *presenting* an option to a second user to join a group e-mail address or a virtual team workspace.

For example, Payton states, “users 110 utilize the system to identify others having common interests and information resources that may be of interest. With the message server 112, users may also contact each other [e.g., using a chat facility or an e-mail system] to discuss items of interest or for other purposes.” See, Payton, col. 4, ll. 6-9, and col. 7, ll. 63-67. Accordingly, to the extent Payton generally describes using an e-mail system to enable users to communicate with each other, Payton provides no disclosure, teaching or suggestion regarding *creating* a group e-mail address and/or a virtual team workspace *based on the topic and the associated information* received from the first user, or *presenting an option* to the second user (or to any user) for being added to the created group e-mail address and/or the virtual team workspace, responsive to a determination that the second user is interested in the received topic. Indeed, because Payton fails to disclose, teach or suggest determining if the second user appears to be interested in the received topic based on the monitored activities of the second user and based on the associated information (as acknowledged by the Office Action), Payton further fails to disclose, teach or suggest performing any operation (e.g., the recited “*presenting*” operation) responsive to such determination.

The Examiner’s reliance on Stevens fails to cure the deficiencies of Payton. Even assuming *arguendo* that Payton and Stevens are properly combinable (which Applicants do not concede), Applicants submit that Stevens fail to disclose, teach, or suggest all of the features of independent claims 1, 14 and 26. For example, for at least the reasons similar to as discussed above with regard to the claim rejections over Stevens in view of Kumhyr, Stevens fails to disclose, teach or suggest the aforementioned features of independent claims 1, 14 and 26.

Therefore, for at least the reasons given above, the Examiner has failed to show that the references relied upon teach, suggest, or otherwise render obvious all of the features of

claims 1, 14 and 26. Therefore, the rejection thereto is improper and must be withdrawn.

Claims 2, 4-6, 8, 12, 15, 17-19, 21, 25, 27, 29-31, 33, 37, 38, and 40-42 depend from and add features to one of claims 1, 14 and 26. Therefore, for at least the reasons set forth above, the rejections thereto are likewise improper and must be withdrawn.

Claims 43 and 44 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Payton in view of Stevens and further in view of Campbell.

Applicants traverse these rejections for at least the reason that the Examiner has failed to make a *prima facie* case of obviousness because the references relied upon fail to teach, suggest, or otherwise render obvious all of the features of the claimed invention.

Claims 43 and 44 each depend from and add features to independent claim 1. As discussed above, Payton and Stevens, alone or in combination, fail to disclose all of the features of claim 1. Campbell fails to cure the deficiencies of Payton and Stevens. For at least this reason, the Examiner has failed to show that the references relied upon teach, suggest, or otherwise render obvious all of the features claims 43 and 44. As such, the rejections thereto are improper and must be withdrawn.

NEW CLAIMS 45 AND 46

As indicated above, the Examiner has failed to establish that the references relied upon fail to teach, suggest, or otherwise render obvious all of the features of amended independent claims 1 and 14. New independent claim 45 include features similar to those set forth in amended independent claims 1 and 14. New claim 46 depends from and add features to one of new independent claim 45. Thus, newly added claims 45 and 46 are allowable over the references relied upon for at least the same reasons discussed in further detail above.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **April 27, 2011**

Respectfully submitted,

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